



February 13, 2009

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## SENATE BILL No. 301

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DIGEST OF SB 301 (Updated February 11, 2009 2:31 pm - DI 104)

**Citations Affected:** IC 12-15.

**Synopsis:** Medicaid transfer of assets. Specifies that the office of Medicaid policy and planning, in determining eligibility, may not consider a total of \$1,200 per year in contributions by an individual to a family member or nonprofit organization as an improper transfer and may disregard certain contributions. Specifies that rules adopted by the office of the secretary concerning transfer of assets may not apply to a transfer of property that occurred before the effective date of the rule.

**Effective:** July 1, 2009.

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**Miller, Mishler, Sipes**

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January 7, 2009, read first time and referred to Committee on Health and Provider Services.  
February 12, 2009, amended, reported favorably — Do Pass.

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SB 301—LS 7292/DI 104+



February 13, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 301

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 12-15-2-23 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2009]: **Sec. 23. (a) Except as provided in subsection (b), when the**  
4 **office conducts a look back (as described in 42 U.S.C. 1396p(c)) to**  
5 **determine, for purposes of eligibility, whether an individual**  
6 **improperly transferred assets, the office shall not consider in total**  
7 **one thousand two hundred dollars (\$1,200) per year of**  
8 **contributions made by the individual to a:**  
9       (1) family member; or  
10       (2) nonprofit organization;  
11 **as an improper transfer.**  
12       (b) The office may disregard a contribution by an individual if  
13 the individual can demonstrate that the transfer follows a pattern  
14 that existed for at least three (3) years before applying for  
15 Medicaid or was not for the purpose of fraud.  
16       (c) Any rule adopted by the office of the secretary concerning a  
17 transfer of property may not apply to a transfer of property that  
18 occurred before the effective date of the rule.

SB 301—LS 7292/DI 104+



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## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 301, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, delete "When" and insert **"(a) Except as provided in subsection (b), when"**.

Page 1, delete lines 11 through 17, begin a new paragraph and insert:

**"(b) The office may disregard a contribution by an individual if the individual can demonstrate that the transfer follows a pattern that existed for at least three (3) years before applying for Medicaid or was not for the purpose of fraud.**

**(c) Any rule adopted by the office of the secretary concerning a transfer of property may not apply to a transfer of property that occurred before the effective date of the rule."**

Delete page 2.

and when so amended that said bill do pass.

(Reference is to SB 301 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 11, Nays 0.

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